

**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>CBO Analyst/Phone:</b>
Seattle Public Utilities	Andrew Lee/6-9754 Donald Harris/4-8018	Karl Stickel/4-8085 Jeff Muhm/4-8049

**Legislation Title:**

AN ORDINANCE relating to the Department of Parks and Recreation and Seattle Public Utilities; transferring partial jurisdiction of a portion of Lake Washington Boulevard South located beneath and adjacent to a parking lot between 48th Avenue South and 49th Avenue South, from the Department of Parks and Recreation to Seattle Public Utilities for maintenance, repair, and operation of a combined sewer overflow underground storage tank, associated underground pipes and electrical lines, and limited surface ancillary facilities; and finding that transfer of partial jurisdiction meets the requirements of Ordinance 118477, which adopted Initiative 42.

**Summary of the Legislation:**

This legislation would transfer partial jurisdiction for part of a parking lot property between 48<sup>th</sup> Avenue South and 49<sup>th</sup> Avenue South, within the boundaries of the park boulevard known as Lake Washington Boulevard, from the Department of Parks and Recreation (Parks) to Seattle Public Utilities (SPU). SPU needs to use the subsurface area to maintain, repair, and operate an underground sewage/stormwater storage tank and associated pipes and electrical lines, and a small surface area for limited surface ancillary facilities to comply with state and federal water quality regulations.

The legislation includes findings that the transfer of partial jurisdiction meets the requirements of Ordinance 118477 (Initiative 42). Specifically, (a) the proposed use is necessary because there is no reasonable and practical alternative location for the underground storage tank; (b) transfer of limited and partial jurisdiction for maintenance, repair, and operation of the tank is equivalent to a subsurface or utility easement, as permitted by Section 3 or Ordinance 118477; and (c) the tank, pipes, electrical lines, and limited surface ancillary facilities are compatible with park use because they are compatible with the current use of the property for parking and landscaping.

**Background:**

The City's combined sewer overflow (CSO) discharge permit from the Washington State Department of Ecology (Ecology) requires SPU construct facilities to reduce CSO discharges into Lake Washington. The State Department of Ecology identifies the Genesee Basins 40 and 41, which are upland of the parking lot, as a priority to construct a CSO reduction project by 2015. Through a comprehensive siting analysis and public involvement process, SPU determined the only practical and reasonable alternative to reducing CSOs in this basin is to construct an underground storage tank in the parking lot located between 48<sup>th</sup> Avenue South and 49<sup>th</sup> Avenue South. This parking lot is within the boundaries of the park boulevard known as Lake

Washington Boulevard.

Ordinance 118477 does not require replacement property for transfer or change of use or subsurface or utility easements compatible with park use. The proposed transfer of partial and limited jurisdiction is equivalent to a subsurface or utility easement and the installation of an underground tank, associated pipes and electrical lines, and limited surface ancillary facilities are compatible with park use because they are compatible with the current use of the property for parking and landscaping.

Please check one of the following:

**This legislation does not have any financial implications.**

**This legislation has financial implications.**

The capital project to construct the underground storage tank is included in the 2013-2018 Adopted Drainage and Wastewater Fund capital appropriations (S. Genesee Combined Sewer Overflow – Project C3608), within the Combined Sewer Overflows Budget Control Level (BCL) (C360B). There is no direct charge for the partial transfer of jurisdiction from Parks to SPU authorized under this legislation. SPU and Parks are negotiating the terms of a revocable use permit because of temporary construction impacts to the site. SPU has set aside approximately \$50,000 for the revocable use permit in the project’s capital budget. No additional appropriations are being requested due to this legislation.

**Other Implications:**

**a) Does the legislation have indirect financial implications, or long-term implications?**

SPU and Parks are negotiating the terms of a revocable use permit, because of the temporary construction impacts to the parking lot site. SPU has set aside approximately \$50,000 for the revocable use permit in the project’s budget, which is part of the adopted budget for the Drainage and Wastewater Fund, Combined Sewer Overflows BCL.

**b) What is the financial cost of not implementing the legislation?**

Limited alternatives exist for reducing CSOs in the Genesee Basins 40 and 41. Aside from the proposed alternative, SPU could implement one of the following alternatives: (1) violate the requirements of the NPDES permit and pay fines of up to \$10,000 per day; (2) construct an underground storage tank in Genesee Park and associated piping underneath Lake Washington Blvd; or (3) purchase multiple private properties along Lake Washington Boulevard and constructing the underground storage tank on the private parcel.

Alternatives 2 and 3 would both add approximately \$5 million to the project budget.

**c) Does this legislation affect any departments besides the originating department?**

Yes, the legislation will have operational impacts on the Department of Parks &

Recreation (Parks), since the parking lot site will be unavailable for use during the year long construction period of the underground tank. After construction is completed, Parks' operations will be minimally impacted.

**d) What are the possible alternatives to the legislation that could achieve the same or similar objectives?**

There are no alternatives to the legislation.

**e) Is a public hearing required for this legislation?**

Yes, pursuant to Ordinance 118477 a public hearing is required. The target date for a public hearing regarding this legislation is January 17, 2013. The public hearing will be held at the City Council's Parks & Neighborhoods Committee meeting.

**f) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**

Yes, notice of the legislation and the public hearing will be published in *The Daily Journal of Commerce* two weeks prior to the public hearing date.

**g) Does this legislation affect a piece of property?**

Yes, the legislation affects the parking lot between 48<sup>th</sup> Avenue South and 49<sup>th</sup> Avenue South, within the park boulevard known as Lake Washington Boulevard. A map of the project area is attached.

**h) Other Issues:**

None.

**List attachments to the fiscal note below:**

Project Area Map



DECEMBER 2012

49TH AVE SOUTH PARKING LOT VICINITY

 HDR Engineering, Inc.		APPROVED FOR ADVERTISING NANCY LOCKE DEPARTMENT OF PUBLIC & COMMUNITY SERVICES SEATTLE, WASHINGTON 30	NAME OR INITIALS AND DATE DESIGNED (CHECKED) DRAWN (CHECKED)	INITIALS AND DATE REVIEWED (DATE) CONST. (DATE) PROJ. MGR. (DATE)	 City of Seattle Ray Hoffman, Director ORGANIZATION NO. APPROVED FUND SCALE: H. 1"=20', V. 1"=40' PROJECT'S BOOK	<b>SEATTLE PUBLIC UTILITIES          GENESSEE CSO          REDUCTION PROJECT</b>	SHEET NO. 10 PC: C303103 R/W CD WADSWORTH PLAN NO.
		ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY OF SEATTLE STANDARD SPECIFICATIONS AND STANDARD DRAWINGS. CONTRACTORS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.	SHEET --- OF 3				